

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Regulatory Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulatory Division Regulations, LAC 33:III.5116, 5122, and 5311 (Log #AQ174*).

This proposed rule is identical to a federal regulation found in 40 CFR part 61, subparts L, N, O, and P; 40 CFR part 63, subparts L and EE; 62 FR 37720 (subparts U & JJ) July 15, 1997, Number 135; 62 FR 42918 (subpart N) August 11, 1997, Number 154; 62 FR 52382 (subpart LL) October 7, 1997, Number 194; and 62 FR 64736 (subpart O) December 9, 1997, Number 236, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed rule incorporates by reference, into LAC 33:III.Chapters 51 and 53, additional federal regulations in 40 CFR parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP). These changes will expedite both the EPA approval process and the state implementation of delegation of authority. Authorization for EPA to delegate authority of that program to the state is established in the Clean Air Act Amendments of 1990, section 112. This rulemaking is applicable to stationary sources statewide. The state has received delegation of authority from EPA to implement NESHAP by "straight" delegation, which requires the state to incorporate into their regulations, rules as promulgated by EPA without change. Louisiana incorporated certain NESHAP regulations by reference on January 20, 1997. In agreement with the revised delegated authority mechanism and with EPA grant objectives, the department is now incorporating additional NESHAP regulations by reference. The basis and rationale for this proposed rule is to mirror the federal regulations. If the rule is not adopted, it would be a hindrance to Louisiana's authority to implement the NESHAP Program. Louisiana would also fail to meet its 1997/98 EPA grant objectives related to this proposed rule and to delegation revisions.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations.

Commentors should reference this proposed regulation by AQ174*. Such comments must be received no later than June 24, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ174*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part III.Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR part 61, revised as of July 1, 1996~~7~~, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

40 CFR 61	SUBPART/APPENDIX HEADING
* * *	
[See Prior text in Subpart A-J]	
<u>Subpart L</u>	<u>National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants</u>
<u>Subpart N</u>	<u>National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants</u>
<u>Subpart O</u>	<u>National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters</u>
<u>Subpart P</u>	<u>National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities</u>
* * *	
[See Prior Text in Subpart V-Appendix C]	

B. ~~Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Federal Register* as promulgated from July 2, 1996, through July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.~~

40 CFR 61	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart A	62 FR 8328	February 24, 1997	General Provisions

~~C.~~ Corrective ~~modifications~~changes are made to 40 CFR part 61 subpart A, section 61.04(b)(T), to read as follows: State of Louisiana: Air Toxics Section Program Manager, Air Quality Regulatory Division, Louisiana Department of Environmental Quality, Box 82135, Baton Rouge, LA 70884-2135.

~~D.C.~~ Copies of documents incorporated by reference in this Chapter are available for review at the Air Quality Division Information Center, Louisiana Department of Environmental Quality, or may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), LR 23:1658 (December 1997), amended LR 24:**

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1996⁷, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	SUBPART/APPENDIX HEADING
* * *	
[See Prior Text in Subpart A-I]	
<u>Subpart L</u>	<u>National Emission Standards for Coke Oven Batteries</u>
* * *	
[See Prior Text in M-DD]	
<u>Subpart EE</u>	<u>National Emission Standards for Magnetic Tape Manufacturing Operations</u>
* * *	
[See Prior Text in Subpart GG-Appendix D]	

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1996⁷, through ~~July 1, 1997~~December 31, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart C	61 FR 37542	July 18, 1996	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List
Subpart F	61 FR 64574	December 5, 1996	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
	62 FR 2729	January 17, 1997	
Subpart G	61 FR 64575	December 5, 1996	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
	62 FR 2742	January 17, 1997	
Subpart H	62 FR 2788	January 17, 1997	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
Subpart I	62 FR 2792	January 17, 1997	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
Subpart M	61 FR 49265	September 19, 1996	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart N	62 FR 42918	August 11, 1997	National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
Subpart O	62 FR 64736	December 9, 1997	National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart R	62 FR 9092	February 28, 1997	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
Subpart U	61 FR 46924 62 FR 37720	September 5, 1996 July 15, 1997	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
	62 FR 1837	January 14, 1997	
Subpart X	61 FR 65336	December 12, 1997	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting
	62 FR 32216	June 13, 1997	
Subpart CC	62 FR 7938	February 21, 1997	National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries
Subpart GG	61 FR 66227	December 17, 1996	National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities
Subpart H	61 FR 66227	December 17, 1996	National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations
Subpart JJ	62 FR 30259	June 3, 1997	National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From Wood Furniture Manufacturing Operations
	62 FR 31363	June 9, 1997	
Subpart LL	62 FR 52383	October 7, 1997	National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart JJJ	61 FR 48229	September 12, 1996	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
	62 FR 1838	January 14, 1997	
	62 FR 30995 <u>62 FR 37720</u>	June 6, 1997 <u>July 15, 1997</u>	
Appendix A	62 FR 2793	January 17, 1997	Test Methods
	62 FR 12546	March 17, 1997	
Appendix C	62 FR 2801	January 17, 1997	Determination of the Fraction Biodegraded (F _{bio}) in the Biological Treatment Unit

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:**

Title 33

ENVIRONMENTAL QUALITY

Part III.Air

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR ~~p~~Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources§5311. Incorporation by Reference of 40 CFR ~~p~~Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

~~A.~~ Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1996~~7~~, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the State of Louisiana.

40 CFR 63	SUBPART/APPENDIX HEADING
Subpart A	General Provisions
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

~~——— B.~~ Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1996, through July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the State of Louisiana.

40 CFR 63	Federal Register Citation	Date Promulgated	Subpart/Appendix Heading
Subpart M	61 FR 49265	September 19, 1996	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	61 FR 65336	December 12, 1996	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting
	62 FR 32216	June 13, 1997	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air

Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:**